



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Adopt Resolution Approving the Addendum to the Improvement Agreement for the Public Improvements of Almondwood Estates, Tract No. 3273, and appropriate funds (\$48,070)

MEETING DATE: January 7, 2004

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution approving the addendum to the improvement agreement for the public improvements of Almondwood Estates, Tract No. 3273, and direct the City Manager and City Clerk to execute the addendum to the improvement agreement on behalf of the City.

BACKGROUND INFORMATION: The Almondwood Estates subdivision is located north of Almond Drive and east of Stockton Street, as shown on Exhibit A. Resolution No. 2003-98 approving the improvement agreement for the subdivision was approved by Council on June 4, 2003. As a condition of development, the developer,

KB Home North Bay, Inc., is required to complete the installation of street frontage improvements along Stockton Street. However, due to the deteriorated condition of the existing pavement in Stockton Street, staff is recommending that the existing pavement along the project frontage be removed and replaced to the centerline of the street. The developer has agreed to perform this work and is eligible for reimbursement by the City for the work in conformance with LMC §16.40 Reimbursement for Construction. The cost of the additional work is \$48,070, which includes 10% for engineering and administration.


The developer is also required to install a reverse frontage masonry wall with landscaping and irrigation on Stockton Street and Almond Drive and street trees in the parkways along the interior subdivision streets. The developer paid a one-time fence and landscape maintenance and replacement fee in the amount of \$76,244 to cover the ongoing maintenance costs for those improvements prior to approval of the final map. The developer subsequently elected to form the Almondwood Estates District Zone 1 Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 to finance those costs. The District was approved by Council on August 20, 2003. The previously paid one-time maintenance and replacement fee (\$76,244) has been refunded to the developer. Since the City will not receive payment from the District until January 2005, the developer will be required to provide maintenance and replacement for those improvements until that time.

The developer has furnished the City with the necessary addendum to the improvement agreement (Exhibit B) and provided improvement security for the additional work in Stockton Street. Staff recommends that Council approve the addendum to the improvement agreement and appropriate the necessary funds to reimburse the developer for the additional Stockton Street improvements.

FUNDING: Local Street Impact Fees \$48,070


Vicky McAthie, Finance Director




Richard C. Prima, Jr.
Public Works Director

Prepared by Lyman Chang, Associate Civil Engineer
RCP/LC/pmf
Attachments

cc: Senior Civil Engineer Fujitani
Senior Civil Engineer Welch

K B Home, Inc.
David Evans & Associates, Inc.

APPROVED:


H. Dixon Flynn, City Manager

ADDENDUM
to the
IMPROVEMENT AGREEMENT
for the
PUBLIC IMPROVEMENTS
of
ALMONDWOOD ESTATES
TRACT NO. 3273

THIS AGREEMENT is made and entered into by and between the CITY OF LODI, hereinafter referred to as "City", and K B HOME NORTH BAY, INC., A CALIFORNIA CORPORATION, hereinafter referred to as "Developer".

WITNESSETH:

WHEREAS, the parties have entered into an Improvement Agreement dated June 6, 2003, which Agreement covers the responsibilities of City and of Developer for the development of Almondwood Estates, Tract No. 3273; and

WHEREAS, the Developer is responsible for the installation of street improvements in Stockton Street fronting the subject subdivision; and

WHEREAS, the Developer is responsible for the installation of street pavement improvement up to the existing pavement along the Stockton Street frontage of the subject subdivision; and

WHEREAS, the City has requested that the existing pavement east of the centerline of Stockton Street be reconstructed along the frontage of the subject subdivision; and

WHEREAS, the City is responsible for reimbursing Developer for the reconstruction of the existing pavement in Stockton Street along the frontage of the subject subdivision in conformance with LMC 16.40 Reimbursements for Construction; and

WHEREAS, the Developer is required to provide additional improvement security for the pavement reconstruction work as described in the Subdivision Map Act for faithful performance and the payment of all persons performing labor and furnishing materials for the installation of public improvements; and

WHEREAS, the Developer has established Almondwood Estates District Zone 1 Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 to finance ongoing fence and landscape maintenance for the said subdivision.

NOW THEREFORE, for and in consideration of the acceptance of the dedications offered, and in order to insure satisfactory performance by Developer of Developer's obligations under State law and City code, the parties agree as follows:

1. That this document is considered an addendum to the original Improvement Agreement between the two parties.
2. That the Developer shall reconstruct the existing pavement in Stockton Street east of the centerline of Stockton Street to the new pavement installed by the Developer as required in the original Improvement Agreement.
3. That the City shall reimburse Developer in the amount of \$48,070 for the street reconstruction, including miscellaneous utility frame adjustments, as shown on the attached Billing Schedule Addendum and Cost Estimate for Additional Improvement Security. Said reimbursement includes ten percent (10%) for engineering and administration in conformance with LMC 16.40 Reimbursements for Construction. Reimbursement shall be made when the work is complete and accepted by the City.

4. That the Developer shall furnish additional improvement Security of at least 100% of the estimate cost of the above referenced public improvements for the faithful performance of said work; and an amount equal to at least 50% of the above costs as security for the payment of all persons performing labor and furnishing materials in connection with this agreement as more fully described in the State Subdivision Map Act.

The City has determined these additional security amounts to be as follows:

Faithful Performance	\$48,070.00
Labor and Materials	\$24,035.00

5. That the City has refunded to the Developer the previously paid one-time fence and maintenance fee in the amount of \$76,244.00
6. That the Developer remains responsible for the regular maintenance of the public wall, landscape and irrigation improvements on Stockton Street and street tree improvements in the subdivision parkway until January 2005 when the first revenue will be received by the City from the Almondwood Estates District Zone 1 Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1.

In Witness Whereof, Developer and City have caused their names to be hereunto affixed and the City of Lodi has caused its corporate name and seal to be hereunto affixed by its proper officers thereunto duly authorized.

K B HOME NORTH BAY, INC.

Date

(CORPORATE SEAL)

CITY OF LODI, A MUNICIPAL CORPORATION

By: _____
H. Dixon Flynn, City Manager

Date

ATTEST:

Susan J. Blackston, City Clerk

Date

APPROVED AS TO FORM:

Randall A. Hays, City Attorney

Development: Almondwood Estates
Developer: K B Home North Bay, Inc.
Engineer: David Evans and Associates, Inc.

TOTAL COST OF PROJECT IMPROVEMENTS ⁽¹⁾						A. DEVELOPER COST		B. COST OF CITY-FUNDED FACI
Item	Description	Quantity	Unit	Price	Total	Quantity	Total	Quantity
<u>Street System</u>								
1	Earthwork	14,852	CY	\$2.50	\$37,130.00	14,852	\$37,130.00	0
2	Roadway Excavation	754	CY	14.00	10,556.00	0	0.00	754
3	Demolition	1	LS	17,500.00	17,500.00	1	17,500.00	0
4	Asphalt Concrete (0.25')	90,059	SF	0.75	67,544.25	90,059	67,544.25	0
5	Asphalt Concrete (0.40')	37,214	SF	1.40	52,099.60	26,214	36,699.60	11,000
6	Aggregate Base (.33')	56,806	SF	0.55	31,243.30	56,806	31,243.30	0
7	Aggregate Base (.40')	26,214	SF	0.60	15,728.40	26,214	15,728.40	0
8	Aggregate Base (.42')	33,253	SF	0.65	21,614.45	33,253	21,614.45	0
9	Aggregate Base (.45')	11,000	SF	0.65	7,150.00	0	0.00	11,000
10	Compact Original Ground (0.67')	90,059	SF	0.24	21,614.16	90,059	21,614.16	0
11	Compact Original Ground (0.5')	37,214	SF	0.15	5,582.10	26,214	3,932.10	11,000
12	Compact Native Material (0.5')	37,214	SF	0.20	7,442.80	26,214	5,242.80	11,000
13	Vertical Curb & Gutter	5,535	LF	9.00	49,815.00	5,535	49,815.00	0
14	Vertical Curb, Gutter & Sidewalk	1,398	LF	12.00	16,776.00	1,398	16,776.00	0
15	Sidewalk (5')	29,037	SF	3.00	87,111.00	29,037	87,111.00	0
16	Wheelchair Ramps (Labor Only)	19	EA	250.00	4,750.00	19	4,750.00	0
17	Residential Driveways	6,354	SF	14.50	92,133.00	6,354	92,133.00	0
18	Bus Stop & Shelter Pads	676	SF	15.00	10,140.00	676	10,140.00	0
19	Concrete Subgrade Compaction	59,714	SF	0.55	32,842.43	59,714	32,842.43	0
20	Survey Monument	16	EA	150.00	2,400.00	16	2,400.00	0
21	Adjust Survey Monument to Grade	1	EA	300.00	300.00	0	0.00	1
22	Adjust Manhole Frame & Cover to Grade	3	EA	400.00	1,200.00	0	0.00	3
23	Adjust Valves to Grade	6	EA	250.00	1,500.00	5	1,250.00	1
24	Dead End Barricade (Standard Plan 139)	105	LF	40.00	4,200.00	105	4,200.00	0
25	Remove Existing Barricade	1	EA	300.00	300.00	1	300.00	0
26	Street Sign/Block Signs & Posts	10	EA	300.00	3,000.00	10	3,000.00	0
27	Regulatory Signs	3	EA	125.00	375.00	3	375.00	0
28	1' Block Retaining Wall	1,446	LF	8.00	11,568.00	1,446	11,568.00	0
29	Masonry Wall (7')	1,556	LF	53.00	82,468.00	1,556	82,468.00	0
30	Masonry Wall (9')	634	LF	68.00	43,112.00	634	43,112.00	0
31	Street Lights (100W Decorative Luminaire)	31	EA	2,000.00	62,000.00	31	62,000.00	0
32	Street Lights (100W HPS Luminaire)	9	EA	1,800.00	16,200.00	9	16,200.00	0
33	Sidewalk Barricade	1	EA	200.00	200.00	1	200.00	0
34	Landscaping & Irrigation	13,755	SF	3.00	41,265.00	13,755	41,265.00	0
45	Signing & Striping	1	LS	8,246.00	8,246.00	1	8,246.00	0
36	Traffic Control	1	LS	7,994.00	7,994.00	0.4	3,000.00	0.6
37	Winterization, Erosion Control	1	LS	4,000.00	4,000.00	1	4,000.00	0
					Subtotal		\$879,100.49	
					Subtotal		\$835,400.49	
					Subtotal Street System			
					10% Engineering & Administration			
					Total Street System			
<u>Storm Drain System</u>								
1	12" Storm Drain Pipe	1,695	LF	\$20.00	\$33,900.00	1,695	\$33,900.00	0
2	15" Storm Drain Pipe	406	LF	22.00	8,932.00	406	8,932.00	0
3	48" Storm Drain Manhole	13	EA	1,300.00	16,900.00	13	16,900.00	0
4	Side Inlet Catch Basin	16	EA	1,500.00	24,000.00	16	24,000.00	0
5	24" Riser	1	EA	1,000.00	1,000.00	1	1,000.00	0
7	Connect to 54" Storm Drain Line	1	EA	1,500.00	1,500.00	1	1,500.00	0
					Subtotal		\$86,232.00	
					Subtotal		\$86,232.00	
					Subtotal Storm Drain System			
					10% Engineering & Administration			
					Total Storm Drain System			

TOTAL COST OF PROJECT IMPROVEMENTS ⁽¹⁾						A. DEVELOPER COST		B. COST OF CITY-FUNDED FACI	
Item	Description	Quantity	Unit	Price	Total	Quantity	Total	Quantity	
<u>Sanitary Sewer System</u>									
1	8" Sanitary Sewer Pipe	2,665	LF	\$25.00	\$66,625.00	2,665	\$66,625.00	0	
2	Sanitary Sewer Manhole	14	EA	1,500.00	21,000.00	14	21,000.00	0	
3	Sanitary Service with Cleanout	74	EA	450.00	33,300.00	74	33,300.00	0	
				Subtotal	\$120,925.00	Subtotal	\$120,925.00	Subtotal Sanitary Sewer System	
								10% Engineering & Administration	
								Total Sanitary Sewer System	
<u>Water System</u>									
1	8" Water Pipe	2,769	LF	\$20.00	\$55,380.00	2,769	\$55,380.00	0	
2	8" Water Valve	23	EA	750.00	17,250.00	23	17,250.00	0	
3	Fire Hydrant Assembly	9	EA	2,600.00	23,400.00	9	23,400.00	0	
4	Blowoff (Permanent)	4	EA	500.00	2,000.00	4	2,000.00	0	
5	Blowoff (Temporary)	2	EA	500.00	1,000.00	2	1,000.00	0	
6	1" Water Service w/Meter Box	74	EA	400.00	29,600.00	74	29,600.00	0	
7	Connect to Existing Water	3	EA	5,000.00	15,000.00	3	15,000.00	0	
				Subtotal	\$143,630.00	Subtotal	\$143,630.00	Subtotal Water System	
								10% Engineering & Administration	
								Total Water System	
				Total	\$1,229,887.49	Total	\$1,186,187.49		
Revised Total Construction Cost (A. Developer Cost)							\$1,186,187.49		
Less Previous Total Construction Cost Subject to Engineering Fee Calculation							(\$1,186,187.49)		
REVISED TOTAL COST FOR ENGINEERING FEE CALCULATION						A. Total	\$0.00	B. Total	

ADDITIONAL IMPROVEMENT SECURITY AMOUNTS:

Faithful Performance: 100% of A & B	\$48,070.00
Labor & Materials: 50% of A & B	\$24,035.00

⁽¹⁾ Work Items shown in bold print have been revised

BILLING SCHEDULE ADDENDUM

Development: Almondwood Estates
Developer: K B Home North Bay, Inc.
Engineer: David Evans and Associates, Inc.
Date: 12/3/03

Gross Acreage: 14.40
No. of Units: 74

				DEVELOPER COST	CREDITS
<u>STREET SYSTEM</u>					
Reimbursement by City					
Street Improvements per Item B of attached (327027; MTSI027)					48,070.00
STREET SYSTEM SUBTOTAL					\$48,070.00
<hr/>					
TOTAL AMOUNT OF BILLING SCHEDULE				\$0.00	\$48,070.00
NET AMOUNT TO BE PAID BY DEVELOPER TO CITY PRIOR TO PROJECT APPROVAL				(\$48,070.00)	
 <u>DEFERRED DEVELOPMENT IMPACT MITIGATION FEES</u>					
Water Facilities	(1821.6122) (12141.6127)	14.40	AC @ \$4,105.00	\$57,929.76 \$1,182.24	
Sewer Facilities	(1731.6122) (12141.6127)	14.40	AC @ \$525.00	\$7,408.80 \$151.20	
Street Improvement Facilities	(3271.6122) (3321.6122) (12141.6127)	14.40	AC @ \$8,249.00	\$67,517.74 \$48,892.15 \$2,375.71	
Storm Drainage Facilities	(3261.6122) (12141.6127)	14.40	AC @ \$ 11,813.00	\$166,705.06 \$3,402.14	
Police Protection Facilities	(12151.6122) (12141.6127)	14.40	AC @ \$1,613.00	\$22,762.66 \$464.54	
Fire Protection Facilities	(12161.6122) (12141.6127)	14.40	AC @ \$1,577.00	\$22,254.62 \$454.18	
Parks & Recreation Facilities	(12171.6122) (12141.6127)	14.40	AC @ \$20,249.00	\$285,753.89 \$5,831.71	
General City Facilities	(12181.6122) (12141.6127)	14.40	AC @ \$6,517.00	\$91,967.90 \$1,876.90	
TOTAL AMOUNT OF DEFERRED FEES				\$786,931.20	\$48,070.00
NET AMOUNT OF DEFERRED FEES TO BE PAID BY DEVELOPER PRIOR TO PROJECT ACCEPTANCE				\$738,861.20	

When Recorded, Please Return to:
Lodi City Clerk
P.O. Box 3006
Lodi, CA 95241-1910

RESOLUTION NO. 2004-03

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING THE ADDENDUM
TO THE IMPROVEMENT AGREEMENT FOR THE PUBLIC IMPROVEMENTS
OF ALMONDWOOD ESTATES, TRACT NO. 3273; AND FURTHER
AUTHORIZING THE CITY MANAGER TO EXECUTE AN ADDENDUM TO THE
IMPROVEMENT AGREEMENT ON BEHALF OF THE CITY OF LODI

=====

WHEREAS, the Almondwood Estates Subdivision is located north of Almond Drive and east of Stockton Street and was approved by the City Council on June 4, 2003; and

WHEREAS, as a condition of development, the developer, KB Home North Bay, Inc., is required to complete the installation of street frontage improvements along Stockton Street; and

WHEREAS, due to the deteriorated conditions of the existing pavement in Stockton Street, staff is recommending that the existing pavement along the project frontage be removed and replaced to the centerline of the street; and

WHEREAS, the developer has agreed to perform this work and is eligible for reimbursement by the City for the work in conformance with Lodi Municipal Code §16.40 "Reimbursement for Construction," at a cost of \$48,070.00, which includes 10% for engineering and administration costs; and

WHEREAS, the developer is also required to install a reverse frontage masonry wall with landscaping and irrigation on Stockton Street and Almond Drive and street trees in the parkways along the interior subdivision streets; and

WHEREAS, the developer paid a one-time fence and landscape maintenance and replacement fee in the amount of \$76,244.00 to cover the ongoing maintenance costs for those improvements prior to approval of the final map; and

WHEREAS, the developer has elected to form the Almondwood Estates District Zone 1 Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1 to finance those costs, which was approved by the City Council on August 20, 2003; and

WHEREAS, the one-time maintenance and replacement fee has been refunded to the developer, and since the City will not receive payment from the District until January 2005, the developer is required to provide maintenance and replacement for those improvements until that time; and

WHEREAS, staff recommends that the City Council take the following action with regard to Almondwood Estates, Tract No. 3273:

1. Approve the Addendum to the Improvement Agreement for the Public Improvements of Almondwood Estates, Tract No. 3273, and direct the City Manager and City Clerk to execute the Addendum to the Improvement Agreement on behalf of the City; and
2. Appropriate the necessary funds to reimburse the developer for the additional Stockton Street improvements from Local Street Impact Fees.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi hereby finds as follows:

1. Approves the Addendum to the Improvement Agreement for the Public Improvements of Almondwood Estates, Tract No. 3273, and directs the City Manager and City Clerk to execute the Addendum to the Improvement Agreement on behalf of the City of Lodi; and
2. Appropriates \$48,070.00 to reimburse the developer for the additional Stockton Street improvements from Local Street Impact Fees.

Dated: January 7, 2004

=====

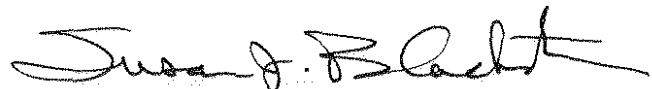
I hereby certify that Resolution No. 2004-03 was passed and adopted by the City Council of the City of Lodi in a regular meeting held January 7, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


SUSAN J. BLACKSTON
City Clerk

CITY COUNCIL

LARRY D. HANSEN, Mayor
JOHN BECKMAN
Mayor Pro Tempore
SUSAN HITCHCOCK
EMILY HOWARD
KEITH LAND

CITY OF LODI
PUBLIC WORKS DEPARTMENT

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6710
EMAIL pwdept@lodi.gov
http://www.lodi.gov

H. DIXON FLYNN
City Manager
SUSAN J. BLACKSTON
City Clerk
RANDALL A. HAYS
City Attorney
RICHARD C. PRIMA, JR.
Public Works Director

December 31, 2003

K B Home, Inc.
611 Orange Drive
Vacaville, CA 95687

David Evans & Associates, Inc.
5311 Pirrone Road, Ste. B
Salida, CA 95368

SUBJECT: Adopt Resolution Approving the Addendum to the Improvement Agreement
for the Public Improvements of Almondwood Estates, Tract No. 3273

Enclosed is a copy of background information on an item on the City Council agenda of
Wednesday, January 7, 2004. The meeting will be held at 7 p.m. in the
City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the consent calendar and is usually not discussed unless a
Council Member requests discussion. The public is given an opportunity to address
items on the consent calendar at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council,
City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the
mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's
card (available at the Carnegie Forum immediately prior to the start of the meeting) and
give it to the City Clerk. If you have any questions about communicating with the
Council, please contact Susan Blackston, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Lyman Chang,
Associate Civil Engineer, at (209) 333-6800, extension 2665.



for: Richard C. Prima, Jr.
Public Works Director

RCP/pmf

Enclosure

cc: City Clerk